

Judge Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

7316 NE 16TH AVE., #9, VANCOUVER,
WASHINGTON, CLARK COUNTY
PARCEL #098495-046, ITS BUILDINGS,
IMPROVEMENTS, APPURTENANCES,
FIXTURES, ATTACHMENTS AND
EASEMENTS, PROPERTY OWNER:
MARK & ALISON HALLENBECK
PROPERTY BUYER: ROBIE TERRELL
CARTER,

Defendant.

NO. C08-5325RBL

EXPEDITED SETTLEMENT
AGREEMENT FOR CIVIL
FORFEITURE

IT IS HEREBY STIPULATED by and between plaintiff, the United States of America, by and through Jeffrey C. Sullivan, United States Attorney for the Western District of Washington, and Richard E. Cohen, Assistant United States Attorney for said District, and Claimants, Mark and Alison Hallenbeck, by and through their attorney, Denise Lukins, to compromise and settle this civil forfeiture case according to the following terms:

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1 1. The Claimants stipulate to the forfeiture of the defendant property located
2 at 7316 NE 16th Avenue, #9, Vancouver, Washington, to the United States, and to the
3 entry of a Judgment of Forfeiture, forfeiting said property to the United States.

4 2. The parties hereby stipulate that any violations of Title 21,
5 United States Code, Sections 841(a)(1) and 841(b)(1)(B), involving the defendant real
6 property occurred without the knowledge or the consent of Claimants Mark and Alison
7 Hallenbeck.

8 3. Plaintiff, United States agrees to recognize the claim of Mark and Alison
9 Hallenbeck to the extent this claim is equivalent to that of a mortgagee or a deed of trust
10 beneficiary due the balance owed on the real estate contract for the defendant property.
11 Upon entry of a Judgment of Forfeiture, the United States will pay Claimants, Mark and
12 Alison Hallenbeck, from the Asset Forfeiture fund, the following:

13 a. all unpaid principal due to Claimants under the April 15, 2003, real
14 estate contract, attached hereto as Exhibit A, (recorded in the official records of Clark
15 County, Washington Recording No. 3624679), that is, \$48,569.84; and all other costs and
16 fees due and owing under the terms of the contract, including:

17 1. Interest--\$1,542.35 assessed at seven percent, accrued
18 through September 21, 2008;

19 2. Attorneys fees--\$3,838.00

20 3. Costs--totaling \$631.57, including the following:

21 a. cost of title report--\$466.57

22 b. service/posting of Notice of Intent to forfeit--\$45.00

23 c. copying/Postage--\$10.00

24 d. long distant phone charges--\$10.00

25 e. recording fees--\$60.00

26 f. process server fee to file answer--\$40.00

27 4. Daily interest accruing from September 21, 2008, at the rate of
28 \$10.28 per diem, to the date of payment.

1 4. The payment to Claimants Mark and Alison Hallenbeck shall be in full
2 settlement and satisfaction of any and all claims by Mark and Alison Hallenbeck to the
3 defendant real property that is the subject of this lawsuit filed by the United States on or
4 about May 22, 2008, and all claims resulting from the incidents or circumstances giving
5 rise to this lawsuit.

6 5. Upon payment, Claimants Mark and Alison Hallenbeck agree to assign and
7 convey their interest in the property to the United States and to release and hold harmless
8 the United States, the agents, servants, and employees of the United States (or any state
9 or local law enforcement agency assisting in the investigation and litigation of this case)
10 acting in their individual or official capacities, from any and all claims by the Claimants
11 and their agents, heirs or assigns, which currently exist or which may arise as a result of
12 the government's forfeiture action against the defendant real property.

13 6. As a part of the settlement, Claimants Mark and Alison Hallenbeck, agree
14 not to pursue against the United States any other rights that they may have under the real
15 estate contract, including but not limited to the right to initiate a foreclosure action.

16 7. Claimants understand and agree that by entering into this expedited
17 settlement of their interests in the defendant property, they waive any rights to further
18 litigate against the United States their interest in the defendant property and to petition for
19 remission or mitigation of the forfeiture. Unless specifically directed by order of this
20 Court, Mark and Alison Hallenbeck are hereby excused and relieved from further
21 participation in this action.

22 8. The parties agree to execute further documents, to the extent necessary, to
23 convey clear title to the property to the United States and to further implement the terms
24 of this settlement.

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ORDER

The Expedited Settlement Agreement executed and filed in this action by plaintiff United States of America and Claimants Mark and Alison Hallenbeck is hereby APPROVED.

DATED this 2nd day of March, 2009.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

Presented by:

s/Richard E. Cohen
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